

FILED 13 JUN 11 15:29 USDC-ORE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

GERADO PANIAGUA, et al.,

08-6265-TC

Plaintiffs,

v.

FINDINGS AND RECOMMENDATION

PRO LANDSCAPES OF OREGON, an
Oregon Corporation, et al.,

Defendants.

COFFIN, Magistrate Judge:

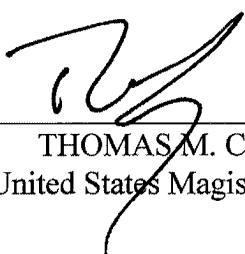
By order filed February 1, 2010, I directed plaintiffs Ramon Guevara, Sergio Castellanoz and Eugenio Hernandez to show cause in writing why they should not be dismissed from this action for failure to prosecute. I noted that these three plaintiffs had demonstrated a lack of diligence in prosecuting this action and warned the plaintiffs that failure to respond to my order would be construed as consent to dismissing them from this action for failure to prosecute. The clerk of the court mailed a copy of my order to plaintiffs' last known addresses. To date, none of the three above named plaintiffs has responded—in writing or otherwise, to my February 1, 2011 order.

Conclusion

I recommend that Ramon Guevara, Sergio Castellanoz and Eugenio Hernandez be dismissed from this action for failure to prosecute. This action should proceed with respect to the remaining plaintiffs and defendants. The Clerk of the Court is directed to mail a copy of these findings and recommendations to the three above named plaintiffs at their respective last known address. The Clerk shall also serve an electronic copy of this order on plaintiffs' former counsel.

The above Findings and Recommendation will be referred to a United States District Judge for review. Objections, if any, are due no later than fourteen days after the date this order is filed. The parties are advised that the failure to file objections within the specified time may waive the right to appeal the District Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). If no objections are filed, review of the Findings and Recommendation will go under advisement on that date. If objections are filed, any party may file a response within fourteen days after the date the objections are filed. Review of the Findings and Recommendation will go under advisement when the response is due or filed, whichever date is earlier.

DATED this 13 day of June 2011.


THOMAS M. COFFIN
United States Magistrate Judge